IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Dhanni Bai & Anr. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 181/1999
for quashing the criminal proceedings.
...

Date of Order: August 28, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Suresh Kumbhat, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. A.K. Jain, for the non-petitioner No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioners seek quashing of the criminal proceedings being Criminal Case No. 230/1985 pending in the Court of the Chief Judicial Magistrate, Chittorgarh for the offences under Sections 420, 467, 478 and 120-B, IPC.

During pendency of the criminal case, the main accused Devi Lal has expired, as also complainant Raghunath, at whose instance the criminal case was instituted, has also expired. The proceedings against accused Devi Lal, on his death, abated. The petitioners have been impleaded as accused by non-petitioner No.2 Ram Lal, who is the son of complainant

Raghunath. Non-petitioner No.2 Ram Lal appeared before this Court and filed a compromise stating therein that his father complainant Raghunath filed a civil suit during his lifetime before the Civil Judge (Junior Division) No.2, Chittorgarh being Civil Original Suit No. 31/1994, which came to be compromised by his father Raghunath during his lifetime by filing a compromise on 1.5.1995 and according to the compromise, his father Raghunath admitted that he had sold the land to accused-petitioner Smt. Dhanni Bai by a registered sale deed and has no objection in standing the land in dispute in the name of Smt. Dhanni Bai and the suit filed by Raghunath stood dismissed. Counsel for the petitioners has placed on record the certified copies of the suit filed by complainant Raghunath, the application dated 1.5.1995 filed by him and the decree passed by the Civil Court dated 2.5.1995.

In the instant case, the complainant as well as the main accused, both, have expired. The parties have compromised the matter. The Civil Court, on the basis of the compromise, held that complainant Raghunath sold the land in favour of present petitioner No.1 Smt. Dhanni Bai by a registered sale deed. In the circumstances, therefore, there being no evidence of criminal conspiracy, cheating or forging the documents and after the death of complainant Raghunath, no evidence is likely to come against the present petitioners, more

particularly in view of the amicable settlement arrived at between the parties and as the rights between the parties have been determined by the judgment and decree dated 2-5-1995 passed by the civil court in Civil Suit No. 34/1994, allowing the criminal proceedings to continue would be nothing but an abuse of the process of the Court and, therefore, to secure the ends of justice, in my view, the criminal proceeds against the petitioners deserve to be quashed.

In the result, the criminal miscellaneous petition is allowed. The criminal proceedings in criminal case No. 230/1985 pending in the Court of the Chief Judicial Magistrate, Chittorgarh for the offence noticed above, are hereby quashed. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs